

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HAYMOUNT URGENT CARE PC, and
ROBERT A. CLINTON, JR.,
individually, and on behalf of all those similarly
situated,

Plaintiffs.

v.

GOFUND ADVANCE, LLC,
FUNDING 123, LLC,
MERCHANT CAPITAL LLC,
ALPHA RECOVERY PARTNERS, LLC,
YITZCHOK (“ISAAC”) WOLF,
JOSEF BREZEL,
JOSEPH KROEN, and
YISROEL C. GETTER,

Defendants.

Case No. 1:22-cv-01245-JSR

**NOTICE OF MOTION FOR
PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, Defendants GoFund Advance, LLC, Funding 123, LLC, Merchant Capital LLC, Alpha Recovery Partners, LLC, Yitzchok Wolf, Yosef Brezel, and Joseph Kroen will move the Court, before the Honorable Jed S. Rakoff at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, 10007, for an Order granting Defendants’ Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 in Defendants’ favor on Count I (RICO), Count II (RICO Conspiracy), and Count IV (Fraud). In support of their motion, Defendants will rely upon their Memorandum of Law in Support, dated February 13, 2023, their Rule 56.1 Statement of Undisputed Facts, dated February 13, 2023, and the Declaration of Richard Cipolla, dated February 13, 2023, together with the exhibits attached thereto, and all prior pleadings and proceedings herein.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's order dated December 29, 2022, answering papers are due on February 27, 2023, with Defendants' reply papers due on March 6, 2023. A final Pretrial Conference is scheduled to be held on March 15, 2023, at 4:00 p.m., at 500 Pearl Street, Courtroom 14B.

Dated: February 13, 2023
New York, N.Y.

/s/ Velvel (Devin) Freedman
Velvel (Devin) Freedman
Edward Normand
Jordana Haviv
Richard Cipolla
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